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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,887	03/15/2004	Mario Ricco	Q79841	8343
23373	7590	02/09/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			HARRIS, ANTON B	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/799,887	<b>Applicant(s)</b> RICCO ET AL.	
	<b>Examiner</b> Anton B. Harris	<b>Art Unit</b> 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/799,887.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's arguments, see page 4, filed 17 November 2004, with respect to the rejection(s) of claim(s) 1 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Quadir (6,305,989 B1).

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (6,452,099 B1) in view of Quadir.

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Regarding claim 1, Miller et al. (col. 2, line 47-col. 3 line 67) discloses a connector member comprising:

a body 14 at least partially made of synthetic material or of elastomer material (col. 3, lines 20-24), designed to be received in a through hole 18 of a wall or plate of the tank 12, in which there are embedded one or more conductor pins 58, 60, 62, 64 projecting from the opposite ends of said body 14, but lacks that the conductor pins are embedded in the body.

Quadir (figure 30) teaches that the conductor pins 70 are embedded in the body 60.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Miller et al. by providing that the conductor pins are embedded in the body in order to reduce the possibility of contaminants from entering the body in view of the teachings of Quadir.

Regarding claim 11, Miller et al. (col. 2, line 47-col. 3 line 67) discloses a connector member comprising:

a body 14 at least partially made of synthetic material or of elastomer material (col. 3, lines 20-24), designed to be received in a through hole 18 of a wall or plate of the tank 12, in which there are embedded one or more conductor pins 58, 60, 62, 64 projecting from the opposite ends of the connector member 14, wherein the body of the connector 14 is made of synthetic material (col. 3, lines 20-24) and has a portion 36 designed to be received in the aforesaid through hole 18 of the wall or plate of the tank 12, said portion 36 having a circumferential groove 39, and an end flange 38 provided with holes (figure 2 to the right of reference line 38), said flange 38 having front cavities 27, each traversed by a respective conductor pin 58, 60, 62, 64 with a seal ring 40 mounted within each of said axial cavities

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between the respective conductor pin 58, 60, 62, 64 and the wall of the cavity 27, and wherein the seal rings 40 mounted within said front cavities 27 of the flange 38 are pressed axially by portions projecting from a covering plate 30 juxtaposed with said flange 38, but lacks that the conductor pins are embedded in the body.

Quadir (figure 30) teaches that the conductor pins 70 are embedded in the body 60.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Miller et al. by providing that the conductor pins are embedded in the body in order to reduce the possibility of contaminants from entering the body in view of the teachings of Quadir.

Regarding claim 12, Miller et al. (col. 2, line 47-col. 3 line 67) discloses a connector member comprising:

a body 14 at least partially made of synthetic material or of elastomer material (col. 3, lines 20-24), designed to be received in a through hole 18 of a wall or plate of the tank 12, in which there are embedded one or more conductor pins 58, 60, 62, 64 projecting from the opposite ends of the connector member 14, wherein the body of the connector 14 is made of synthetic material (col. 3, lines 20-24) and has a portion 36 designed to be received in the aforesaid through hole 18 of the wall or plate of the tank 12, said portion 36 having a circumferential groove 39, and an end flange 38 provided with holes (figure 2 to the right of reference line 38), said flange 38 having front cavities 27, each traversed by a respective conductor pin 58, 60, 62, 64 with a seal ring 40 mounted within each of said axial cavities between the respective conductor pin 58, 60, 62, 64 and the wall of the cavity 27, and wherein the seal rings 40 mounted within said front cavities 27 of the flange 38 are pressed axially by

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portions projecting from a covering plate 30 juxtaposed with said flange 38, an auxiliary plate (col. 1, lines 20-32) disposed in engagement with one end of the body of the connector member 14, the auxiliary plate having means for fixing the auxiliary plate to the wall or plate of the tank 12 so as to compress axially the body 14 made of elastomer material (col. 3, lines 20-24) of the connector member 14 against an opposed surface of the through hole (col. 1, line 27), but lacks a cylindrical configuration adapted to be received in a cylindrical through hole of the tank, and that the conductor pins are embedded in the body.

Quadir (figure 30) teaches a cylindrical configuration (figure 3) adapted to be received in a cylindrical through hole (figure 1) of the tank 110, and that the conductor pins 70 are embedded in the body 60.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Miller et al. by providing a cylindrical configuration adapted to be received in a cylindrical through hole of the tank, and that the conductor pins are embedded in the body in order to reduce the possibility of contaminants from entering the body in view of the teachings of Quadir.

### ***Response to Arguments***

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr.

Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

abh

2/7/05

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